

ESTTA Tracking number: **ESTTA519920**

Filing date: **02/05/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91206956
Party	Plaintiff Loris Azzaro BV
Correspondence Address	MARY CATHERINE MERZ MERZ & ASSOCIATES PC 1010 LAKE STREET, SUITE 400 OAK PARK, IL 60301-1135 UNITED STATES mmerz@merz-law.com, docket@merz-law.com
Submission	Motion to Extend
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Signature	/Mary Catherine Merz/
Date	02/05/2013
Attachments	23670.Motion to Extend Initial Trial Schedule.pdf (3 pages)(163466 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Application Serial No. 85/499,234
Mark: CHROME GIRL
Filed: December 19, 2011
Date of Publication: May 22, 2012

LORIS AZZARO BV)	
)	
Opposer,)	
)	
v.)	Opposition No. 91206956
)	
CHROME GIRL NAILS, LLC)	
)	
Applicant.)	

Motion for an Extension of Initial Trial Schedule

The Trademark Trial and Appeal Board has denied Applicant's two motions requesting suspension of the proceedings because Applicant's counsel at the time the motions were filed failed to state in the stipulated motions that the discovery conference had been held. As a result, Opposer hereby respectfully requests an extension of the initial discovery period and the subsequent trial deadlines for 60 days for the following reasons:

- (1) Opposer's and Applicant's previous counsel held a discovery conference on November 15, 2012.
- (2) As a result of this discovery conference, the parties agreed to suspend for settlement negotiations and Applicant's counsel filed a stipulated motion on November 19, 2012 requesting a 30-day suspension.
- (3) The parties, not realizing that the stipulated motion was defective, proceeded with their settlement negotiations under the assumption that the trial schedule had been suspended. As the first suspension period was about to end, Applicant's then-counsel filed a second stipulated motion on December 19, 2012 requesting a further 30-day suspension.

- (4) Opposer will be unduly prejudiced if this proceeding is allowed to continue under the original trial schedule because Opposer, in good faith, (a) engaged in settlement negotiations with Applicant's original counsel, (b) allowed the Initial Disclosure deadline to lapse and (c) did not serve Applicant with any discovery requests under the assumption that the discovery period and trial schedule had been postponed during the 60 days suspension period agreed upon by the parties.

Consequently, Opposer respectfully requests that the Trademark Trial and Appeal Board, in accordance with the agreement between the parties at the time, extend the original trial schedule by 60 days, in accordance with the following schedule:

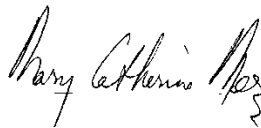
Discovery Opens:	01/20/13
Initial Disclosures Due:	02/19/13
Expert Disclosures Due:	06/19/13
Discovery Closes:	07/19/13
Plaintiff's Pretrial Disclosures:	09/02/13
Plaintiff's 30-day Trial Period Ends:	10/17/2013
Defendant's Pretrial Disclosures:	11/1/2013
Defendant's 30-day Trial Period Ends:	12/16/2013
Plaintiff's Rebuttal Disclosures	12/31/2013
Plaintiff's 15-day Rebuttal Period Ends:	01/30/2014

Trek Bicycle Corporation is providing the following e-mail addresses for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Attorney for Opposer: mmerz@merz-law.com

Attorney for Applicant: artlaw4@aol.com

Respectfully submitted,



Dated: February 5, 2013

Mary Catherine Merz
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Attorneys for Opposer

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon Applicant by First Class Mail at the following address on February 5, 2013:

Arthur Aaronson
Aaronson & Aaronson
16133 Ventura Blvd
Suite 675
Encino, CA 91436

Respectfully submitted,

A handwritten signature in cursive script, reading "Mary Catherine Merz".

Dated: February 5, 2013

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